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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/702,045

11/06/2003

Young-soo Kim

249/422

7399

27849 7590 10/17/2008

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EXAMINER

BELANI, KISHIN G

ART UNIT

PAPER NUMBER

2443

MAIL DATE

DELIVERY MODE

10/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|---|--------------------------------------|-----------------------------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 10/702,045 | Applicant(s) KIM ET AL. | |
| | Examiner KISHIN G. BELANI | Art Unit 2443 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-15 and 17-19.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454

/K. G. B./
Examiner, Art Unit 2443

Continuation of 11. does NOT place the application in condition for allowance because: Consider claim 1. The abstract section in the cited reference of Larson et al. (US Patent Application Publication 2003/0031189 A1) discloses the existence of a communication path that links the payload (user data) with the management (control) data. The abstract reads as follows:

"A cPCI server system includes a plurality of host processor cards for providing management LAN communications and payload LAN communications. A first card is coupled to the plurality of host processor cards and is coupled to a payload LAN. The plurality of host processor cards are configured to provide payload LAN communications through the first card. A second card is coupled to the plurality of host processor cards and can be optionally coupled to a management LAN. The plurality of host processor cards are configured to provide management LAN communications with the management LAN through the second card".

As per the abstract, a first card coupled to a plurality of host processor cards supports payload. A second card coupled to the plurality of the host processor cards (that support payload communications) can also be coupled to a management LAN, thereby providing a communication path that links the payload (user data) with the management (control) data. Paragraph 0001 discloses that payload data can be transmitted over the Internet. The response above establishes that the management (control) data may also be transmitted over the Internet.

Fig. 3 shows that the server management card (SMC) 300E can communicate with the External Management Network 320 via a Rear Transition Module 300G that may also be linked to the Internet, which is further shown in Fig. 6, wherein SMC 300E may connect to the Internet 604 through the firewall 602 via switch 620 and Rear Transition Modules 300F/300G. Paragraphs 0001 and 0075-0077 also disclose the same details, thereby showing and disclosing that the cited reference of Larson et al. does indeed teach that both the user data and the control data may traverse the Internet, using different levels of security. The segregation is at the LAN level that provides additional security to the control information. The segregation is not over the Internet, as argued by the applicants. Both the user data and the control data may traverse the common environment of the Internet, except that the control information passes through more secure environment upon reaching the local LAN.

There is no new argument in support of any of the remaining claims. Therefore, the examiner has concluded that the presented arguments have already been answered, and therefore they may not be entered.